

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Allowable Subject Matter

The allowance of claims 4, 5, 11 and 12 is noted with appreciation

Claim Rejections - 35 USC § 103

The remaining claims stand rejected as allegedly being obvious with primary reliance being had on newly cited US 5146625 (Steele) when considered with newly cited US 6185742 (Doherty). The remarks given in support of the rejection have been carefully considered, but it is respectfully submitted that the rejections are improper for at least the following reasons.

Initially, issue is taken with the alleged basis for combining the references. It is respectfully submitted that the stated basis for the combination lacks factual support.

Even if Steele and Doherty could be combined as contended, the result would still not yield a clothing article as claimed. According to claim 1, the clothing article comprises, inter alia, a front portion including **separate** left and right front side portions that are releasably attachable to one another to close the front of the clothing article, and a rear portion separate from but attachable by releasable attachment devices to the front side portions at each shoulder and adjacent a waist region on either lateral side of the clothing article.

Steele discloses a one piece cooling vest. Even if there was reasonable basis to conclude that it would have been obvious to provide for releasable attachment of the back panel to the front panel at the shoulder 28, the resultant two-piece construction still would not meet the limitation calling for separate left and right front side portions that are releasably attachable to one another to close the front of the clothing article. It is further noted that Doherty discloses a two-piece construction including a unitary front panel 11. Again, there is no disclosure of a front portion including **separate** left and right front side portions each having a shoulder portion and a waist portion and being releasably attachable to one another.

Moreover, the skilled person would not have considered providing a front portion including separate left and right front side portions as claimed. Such a construction would have precluded a significant functionality of both Steele and Doherty. Steele discloses a pocket 20 extending across the chest portion of the vest for receiving the gel pack 50. The gel pack is critical to the stated cooling function of the cooling vest disclosed by Steele. Likewise, Doherty is provided with a series of pockets 14 for receiving pouches containing a phase change material. The pocket array, like the pocket of Steele, extends across the chest portion of the garment.

Claim 13 also calls for a left front portion and a right front portion separate from one another but releasably attachable to one another. Consequently, the above discussion of the prior art references also is applicable to claim 13.

For at least the foregoing reasons, the rejections should be withdrawn.

Other Contentions

The absence in this reply of any comments on the other contentions set forth in the Office Action should not be construed to be an acquiescence therein. Rather, no comment is needed since the rejections should be withdrawn for at least the foregoing reasons.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By /Don W. Bulson/
Don W. Bulson, Reg. No. 28,192

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

M:\C\CULL\IP\0188\IP0188US-R05.doc